



Newsletter

October, 2013

Wisconsin Association of Campground Owners



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Wisconsin Association of
Campground Owners

EXECUTIVE DIRECTOR
LORI SEVERSON
P.O. Box 228
N22676 US Hwy. 53
Ettrick, WI 54627
WACO Phone #:
608-525-2327
Severson & Associates
Phone #: 608-525-2323
Fax #: 608-525-2328
email:

lori@seversonandassociates.com

INSIDE



Year 2013
WACO celebrates
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WACO 2014 Annual Convention

**March 12, 13, 14,
15, & 16**

Save the dates!

**Information
coming soon!**

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Madison
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La Crosse
Feb 6-9

Minneapolis/St Paul
Feb 6-9

Chicago
Feb 12-16

Milwaukee
Feb 27-Mar 2

Wausau
Mar 7-9

Rockford
Mar 21-23

Shoreland Zoning

Impervious Surface Standard

History

- Impervious surface standards were included as part of the 2010 revisions.
- They were based on a number of studies that indicate that water quality decreases starting at 12% Impervious area
- The 2010 rule established impervious surface thresholds of:
 - o 15% impervious surface (IS) – no permit needed
 - o 15-30% IS – allowed with a permit that includes mitigation of impacts
 - o Over 30% - allowed only through a variance
 - o Applies within 300 feet of a lake, river or stream
- The 2010 rule also grand fathered all existing impervious surface “You get to keep what you have” (this also applies to vegetation in the 35 foot buffer zone)
 - o Not only can you keep your impervious surface, you can:
 - maintain and repair it
 - replace it
 - relocate it or
 - modify it
 - o For example, if you have 75% impervious surface, you can move your driveway, convert a patio into a porch, convert your tennis court into a barn (or vice versa), etc. as long as you stay at 75%.



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Pictures from Oct. Workshop



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(Cont. from page 1)

Proposed Revisions

- Create the concept of a Highly Developed Area (HDA) as follows:
 - o Identified as an urbanized area under the 2010 Census
 - o Commercial, Industrial , Business (CIB) zoning
 - o Other areas designated by counties
 1. At least 500 feet of frontage
 2. 50% of lots have over 30% impervious area
- In HDAs
 - o Residential
 - increase from 15% to 30% with no permit
 - increase from 30% to 40% with permit and mitigation
 - o CIB
 - Increase from 15% to 40% with no permit
 - Increase from 30% to 60% with permit and mitigation
 - o Change application to riparian lots, or lots wholly within 300 ft
- **Surfaces where runoff is treated or directed to areas that will infiltrate the water are exempt from the impervious surface standard**
 - o For example, a concrete driveway where runoff is directed into a swale along the drive is not included in the impervious surface percentage

Note: These proposed revisions to the impervious surface standard are intended to provide much greater flexibility to counties and property owners by recognizing that already highly developed areas have need of greater areas of impervious surface; by easing administration and confusion eliminating situations where only small parts of lots are impacted by the standard; and by allowing increases in impervious area by exempting surfaces where runoff from them is treated to protect water quality, or

does not enter the receiving water at all.

Nonconforming Structure Standards

- Clarify maintenance and repair
- Allow lateral expansion of residences between 35 and 75 feet of the water up to 200 ft². Give counties the option of a one-time lateral expansion or multiple expansions with a cumulative 200ft² expansion.
- Clarify that discontinuance only applies to nonconforming use (conform with statute)

Note: These revisions further reduce the number of nonconforming properties by allowing any sort of maintenance and repair within the existing building envelope, even for structures very close to the water (and eliminating the 50% rule), and allowing expansion of residences that are within the 75 foot setback area.

Vegetation Management

History

- o Original 1970 rule provided no clear cutting within 35 feet of the “normal high waterline” and that “trees and shrubbery shall be regulated to protect scenic beauty, control erosion and reduce the flow of effluents and nutrients from the shoreland”.

- o The 2010 revisions retained the 35 foot vegetative zone inland from the “ordinary high water mark” and allows maintenance of vegetation, removal of trees consistent with generally accepted forestry practices, and removal of invasive, damaged, diseased or safety hazard causing vegetation.

- o Both rules allowed for a viewing and access corridor – the 1970 rule allowed 30 feet in every 100 feet

and the 2010 rule allows 30% of the frontage to a maximum of 200 feet.

- o The 2010 rule also grandfathers existing vegetation (just like impervious surfaces)

Proposed Revision

- Clarify that a permit is not required to remove invasive, damaged or diseased vegetation or vegetation that poses a safety hazard as long as the area is re-vegetated with native plantings

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Lot Sizes

Original standard in NR 115	Current standard in NR 115	Proposed standard in NR 115 (before comments)	Proposed standard in NR 115 (after comments from partners)
Unsewered lots– 20,000 ft ² with an average width of 100 ft.	No change in lot size Standards added to allow <ul style="list-style-type: none"> • development on sub standard lots • development of conservation subdivisions 	No change	No change

Building Setbacks

Original standard in NR 115	Current standard in NR 115	Proposed standard in NR 115 (before comments)	Proposed standard in NR 115 (after comments from partners)
75 feet from the ordinary high–water mark Exemptions • piers, boat hoists and boathouses	No change in building setback Exemptions <ul style="list-style-type: none"> • dry boathouses within viewing corridor • open sided structures (s. 59.692(1v)) • Fishing rafts on Wolf & Mississippi R. • Satellite dishes and antennas. • Utilities lines, poles and towers, including POWTS • Walkways, stairways & rail systems 60 in. wide or less 	No change	No change

Vegetation Standards

Original standards in NR 115	Current standard in NR 115	Proposed standard in NR 115 (before comments)	Proposed standard in NR 115 (after comments from partners)
Vegetation buffer - 35 ft. wide Viewing & Access corridor – 30 ft. in any 100 ft. may be clear cut May remove dead, diseased or dying tree or shrubbery.	Vegetative buffer – 35 ft. wide Removal allowed without a permit for: <ul style="list-style-type: none"> - Routine maintenance- keep what you have - Access/Viewing corridor-30 ft. in any 100ft. - may be clear cut but no more than 200 ft. total. - Forestry activities - Removal of exotics or invasive species with replacement of vegetation Other types of removal allowed with a permit. <ul style="list-style-type: none"> - Vegetation removed with permit must be replaced 	No change proposed except to clarify that removal of exotic or invasive species does not require a permit.	No change proposed except to clarify that removal of exotic or invasive species does not require a permit.

Filling & Grading Standards

Original standards in NR 115	Current standard in NR 115	Proposed standard in NR 115 (before comments)	Proposed standard in NR 115 (after comments from partners)
Filling and Grading may be allowed if it complies with shoreland-wetland provisions & is done to minimize erosion.	No change	No Change	No Change

Height Standards

Original standards in NR 115	Current standard in NR 115	Proposed standard in NR 115 (before comments)	Proposed standard in NR 115 (after comments from partners)
None	No structure may be taller than 35 ft. within 75 ft of OHWM	No Change	

Non Conforming Structures

Original standards	Current standard in NR 115	Proposed standard in NR 115 (before comments)	Proposed standard in NR 115 (after comments from partners)
Unlimited maintenance and repair	If structure is 0-35 ft. from OHWM - Unlimited maintenance & repair	Clarification that counties determine what activities constitute maintenance & repair No change for structures within 35 ft. of OHWM.	No change for structures within 35 ft. of OHWM.
Alteration of, addition to, or repair, over the life of the building or structure, in excess of 50% of the equalized assessed value of an existing nonconforming building or structure	- Relocation/reconstruction beyond setback 35-75 ft. from OHWM - Unlimited maintenance & repair - Vertical expansion within setback with mitigation - orizontal or vertical expansion beyond the setback - Relocation/Reconstruction within the setback with mitigation and removal of all other non-conforming accessory structures	If structure 35-75 ft. from OHWM - Unlimited maintenance & repair - May do lateral or vertical expansion within the setback, but lateral expansion is limited to 100 sq. ft. parallel to the OHWM and 200 sq. ft rearward of the current structure and no closer to OHWM. - No longer required to remove any non-conforming accessory structures if relocating or reconstruction - Expansion beyond the setback, not limited	If structure 35-75 ft. from OHWM - Unlimited maintenance & repair - May do lateral or vertical expansion within the setback, but lateral expansion is limited to a 1 time 200 sq. ft addition no closer to OHWM. - No longer required to remove any non-conforming accessory structures if relocating or reconstruction - Expansion beyond the setback, not limited

Impervious Surface Standards

Original standards in NR 115	Current standard in NR 115	Proposed standard in NR 115 (before comments)	Proposed standard in NR 115 (after comments from partners)
115	Apply to land within 300 ft. of OHWM	Would only apply to riparian lots, or lots entirely within 300 ft. of OHWM	Would only apply to riparian lots, or lots entirely within 300 ft. of OHWM
None	If increasing impervious surface on property 0-15% impervious – no permit 15-30% impervious-permit with shoreland mitigation If not increasing impervious surface on property, can maintain, repair, replace with a similar surface, or modify beyond setback, without a permit or mitigation.	If increasing impervious surface on property For highly developed shorelines, 0-30% impervious for residential - no permit, 0-40% impervious for industrial, commercial & business zoning - no permit Permit with mitigation required for properties within a highly developed shoreline -30-40% impervious for residential -40-60% impervious for industrial, commercial & business zoning For all other shorelines 0-15% impervious – no permit, 15-30% impervious- permit with shoreland mitigation Continued on page 6)	If increasing impervious surface on property For highly developed shorelines 0-30% impervious for residential – no permit, - 40% impervious for industrial, commercial & business zoning - no permit Permit with mitigation required for properties within a highly developed shoreline - 30-40% impervious for residential - 40-60% impervious for industrial, commercial & business zoning (Continued on page 6)



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(Continued from page 5) Proposed standard in NR 115 (before comments) Column 3

Re-define impervious to not include areas that do not drain directly to waterbody, areas that are treated by an engineered stormwater detention system or areas that are internally drained.

If not increasing impervious surface on property, can maintain, repair, replace with a similar surface, or modify beyond setback, without a permit or mitigation.

**(Continued from page 5) Column 4
 Proposed standard in NR 115
 (after Comments from partners)**

For all other shorelines
 0-15% impervious – no permit, 15-30% impervious- permit with shoreland mitigation

Re-define impervious to not include areas that do not drain directly to waterbody, areas that are treated by an engineered stormwater detention system or areas that are internally drained.

If not increasing impervious surface on property, can maintain, repair, replace with a similar surface, or modify beyond setback, without a permit or mitigation.



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